IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14171 of 2004

Between:

R.Baig, S/o Late Sardar Baig,
R/o Vijayapuri South, Nagarjunasagar, Guntur District

..... PETITIONER

AND

1 The Managing Director, A.P.Travel and Tourism Corporation Ltd. Hyderabad
2 The Executive Engineer, Dam Maintainance Division, Hill Colony, Nagarjunasagar, Guntur District
3 The Assistant Engineer, Buildings and Roads Section, Vijayapuri South, Nagarjunasagar, Guntur District
4 The Divisional Manager, A.P.Travel & Tourisam Development Corporation, Hill Colony, Nagarjuna Sagar, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, directing the respondents, not to cause any obstructions in entering into the site (in which the petitioner is in possession) in an extent of 40" X 25" i.e. 1,000 Sq.Feet in the premises of Launch Station, Vijayapuri South, Nagarjunasagar, Guntur District, by declaring the action of the respondents in making obstructions to the petitioner in entering into the above said site is illegal, arbitrary, and contrary to law

Counsel for the Petitioner: MR.V.S.N.SARMA

Counsel for the Respondents: Mr. N.Krishna Rao

The Court made the following :

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ORDER:

The petitioner is claiming that he is a licensee of a site of the Irrigation Department. A suit for cancellation of allotment was filed by the respondent-corporation covered by O.S.No.75 of 1998, and it was decreed in favour of the respondent on 16.12.2003. Against the said decree, the petitioner filed A.S.No.2 of 2004 and also filed I.A.No.44 of 2004 on the file of the Senior Civil Judge, Gurajala and the petitioner was granted interim stay of the decree on 21.01.2004.

The learned counsel for the petitioner submits that by virtue of the order granted by the appellate Court, he is continuing in possession of the premises and the respondent instead of approaching the Court for vacation of the stay, is causing obstruction for his business by way of erecting a fencing in front of the shop.

The first respondent being a corporation is not expected to act like a private individual and it has to respect the order of the Court so long as it is in force. Therefore, there shall be a direction to the respondents not to cause any obstruction for access to the suit schedule premises so long as the order of the appellate Court are in force.

Writ petition is accordingly disposed of. No order as to costs.

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G.YETHIRAJULU,J

16-08-2004

Note: Issue C.C. by tomorrow

B/o

KLP

To

1 The Managing Director, A.P.Travel and Tourism Corporation Ltd. Hyderabad
2 The Executive Engineer, Dam Maintainance Division, Hill Colony, Nagarjunasagar, Guntur District
3 The Assistant Engineer, Buildings and Roads Section, Vijayapuri South, Nagarjunasagar, Guntur District
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